

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

	)	
In the Matter of	)	
	)	WC Docket No. 10-226
Sprint Communications Company LP Application	)	
For Review of the Tekstar Communications, Inc.	)	
Tariff	)	
	)	

**REPLY COMMENTS OF FREE CONFERENCING CORPORATION**

Pursuant to the Commission's *Notice*,<sup>1</sup> Free Conferencing Corporation ("Free Conferencing") respectfully submits these Reply Comments to the Comments of AT&T Corp.<sup>2</sup> in support of the Application For Review that was filed by Sprint Communications Company, LP ("Sprint").<sup>3</sup> Sprint's Application for Review seeks review and reversal of the October 6, 2010 Public Notice released by the Pricing Policy Division of the Wireline Competition Bureau ("Bureau"),<sup>4</sup> wherein the Bureau denied all petitions to reject or suspend and investigate the access tariff filed by Tekstar Communications, Inc. ("Tekstar").<sup>5</sup>

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<sup>1</sup> *Comment Sought on Sprint Communications Company LP Application For Review Of The Tekstar Communications, Inc. Tariff*, Public Notice, WC Docket No. 10-226, DA 10-2196 (rel. Nov. 16, 2010) ("Notice").

<sup>2</sup> *Comments of AT&T Corp.*, WC Docket No. 10-226 (Dec. 1, 2010).

<sup>3</sup> *In the Matter of Sprint Communications Company LP Application For Review of the Tekstar Communications, Inc. Tariff*, Application for Review, WC Docket No. 10-226 (Nov. 9, 2010).

<sup>4</sup> Public Notice, *Protested Tariff Transmittals Action Taken*, WCB/Pricing File No. 10-09, DA 10-1917 (rel. Oct. 6, 2010).

<sup>5</sup> Tekstar, Transmittal No. 3, Tariff F.C.C No. 2 (issued Aug. 17 2010) ("Tariff No. 2").

## **INTRODUCTION AND SUMMARY**

My name is David Erickson. I am the founder and CEO of Free Conferencing Corporation, which owns FreeConferenceCall.com, FreeConferenceCallHD.com, and FreeConferencing.com. These Internet sites are a few of the largest “Free” toll conferencing sites in the world. My purpose in replying to AT&T’s comments is to shed some light on the so-called access stimulation “problem” and hopefully explain why AT&T’s disparaging comments about Tekstar and access stimulation are hypocritical and irrelevant to the Commission’s request for comments on Sprint’s Application for Review of the Commission’s October 6, 2010 Public Notice. Free Conferencing is a Tekstar customer; Tekstar provides Free Conferencing with local exchange services that enable our company to host toll conferencing services.

## **ARGUMENT**

AT&T, and most of the large IXCs, offers a toll conferencing service to consumers. They either offer their own branded service or contract through another provider (a revenue sharing arrangement if you will). They all compete for toll conferencing customers with each other, with Free Conferencing Corporation, with other conferencing service providers, and with the LECs that provide service to the conferencing providers. The term “free” is simply a designation of a conferencing provider who does not charge an additional fee to organize the conference call; to clarify, “free” toll conferencing is simply toll conferencing without an organizer fee.

In a toll conference, each participant pays his own way to the conference using the long distance plan that he has purchased from his carrier of choice. Historically, the dominant carriers have imposed upon the organizer of the conference an additional “organizer” fee.<sup>6</sup> “Free” toll conferencing eliminates the expensive organizer fee, making conference calling available to those who otherwise could not afford such a service, and, making all users more efficient and all conferences more cost effective. **Switched**

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<sup>6</sup> Verizon charges 13¢ per minute per participant if you sign up over the Internet and 56¢ per minute per participant if you call in and sign up over the telephone.

**access charges are collected under both “Free” toll conferencing AND by the dominant carriers under organizer paid toll conferencing.**

AT&T collects switched access fees for its conferencing service. AT&T owns a LEC called Teleport Communications Atlanta, Inc.<sup>7</sup> that charges access on both toll conferencing and “free” toll conferencing called AT&T Connect.<sup>8</sup> When you subscribe for AT&T Connect, you can use an online portal as well as audio conferencing. The AT&T offering is free for 30 days, during which time AT&T’s LEC continues to collect switched access fees. It is hypocritical of AT&T to disparage Tekstar by saying that “Tekstar is one of the nation’s largest operators of traffic pumping schemes” when AT&T’s own LEC hosts both free toll conferencing and organizer paid toll conferencing and collects access on the conferencing, which flows through to the parent company. AT&T is a competitor of Tekstar, so it is no wonder that AT&T is attempting to keep Tekstar out of the conferencing services marketplace.

Furthermore, AT&T is also a competitor in the wholesale marketplace. AT&T has a long history of engaging in self help (non-payment) against non-dominate LECs in order gain leverage to negotiate lower than bench-mark (tariffed) rates via commercial agreements. AT&T uses the lower than bench-mark rates in order to expand its margin and gain a competitive advantage against other wholesale carriers. In other words, AT&T is happy to carry “free” toll conferencing and make a wholesale profit on the activity they disingenuously call a “traffic pumping scheme”.

What is even more interesting is that Tekstar’s Tariff No. 2 might not even apply to AT&T directly if it turns out that AT&T has a commercial agreement with Tekstar. If AT&T has a commercial agreement with Tekstar, then AT&T would be unaffected by Tekstar’s new tariff **UNLESS** Tekstar’s Tariff No. 2 sets a market rate equal to or lower than AT&T’s contracted commercial rate, **AND**

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<sup>7</sup> See AT&T TCG Services, [http://serviceguide.att.com/tariff/business/ext/buss\\_tariffs.cfm?state=GA&stype\\_id=62&category=1](http://serviceguide.att.com/tariff/business/ext/buss_tariffs.cfm?state=GA&stype_id=62&category=1) (last visited Nov. 12, 2010).

<sup>8</sup> See AT&T Connect, <http://www.business.att.com/enterprise/Service/unified-communications-enterprise/conferencing-services-enterprise/web-conferencing-enterprise/> (last visited Nov. 12, 2010).

consequently eliminates AT&T's advantage in the wholesale marketplace. Otherwise, why would AT&T try to stop a price reduction in an area where AT&T has consistently complained about pricing, especially since Tekstar's Tariff No. 2 serves to transform a Rural LEC into a LEC that competes on the price level of Non-Rural LECs.

### **CONCLUSION**

It is likely that this discussion is somewhat moot because the Commission asked for comments on Sprint's Application for Review, which addresses the appropriateness of using a reference to another tariff in light of the Commission's interpretation of Rule 61.74.<sup>9</sup> However, since AT&T made it a point to attack Tekstar on the separate issue of access stimulation, I felt it necessary to try to shed some light on AT&T's motivation.

Respectfully Submitted,

David Erickson,  
Free Conferencing Corporation, CEO

December 13, 2010

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<sup>9</sup> 47 U.S.C. § 61.74.